

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 106

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO JUDGMENT; AMENDING SECTION 19-2522, IDAHO CODE, TO PROVIDE THAT PROFESSIONALS DETERMINED BY THE COURT TO BE QUALIFIED TO EXAMINE A DEFENDANT'S MENTAL CONDITION MAY BE APPOINTED BY THE COURT TO EXAMINE AND REPORT UPON THE MENTAL CONDITION OF THE DEFENDANT AT SENTENCING AND TO PROVIDE THAT IF A MENTAL HEALTH EXAMINATION OF THE DEFENDANT HAS PREVIOUSLY BEEN CONDUCTED PURSUANT TO SECTION 19-2524, IDAHO CODE, AND THE COURT DETERMINES THAT SUCH EXAMINATION AND REPORT PROVIDE CERTAIN NECESSARY INFORMATION, THEN THE COURT NEED NOT ORDER AN ADDITIONAL EXAMINATION OF THE DEFENDANT'S MENTAL CONDITION AT SENTENCING.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2522, Idaho Code, be, and the same is hereby amended to read as follows:

19-2522. EXAMINATION OF DEFENDANT FOR EVIDENCE OF MENTAL CONDITION – APPOINTMENT OF PSYCHIATRISTS, ~~OR~~ LICENSED PSYCHOLOGISTS OR OTHER PROFESSIONALS – HOSPITALIZATION – REPORTS. (1) If there is reason to believe the mental condition of the defendant will be a significant factor at sentencing and for good cause shown, the court shall appoint at least one (1) psychiatrist, ~~or~~ licensed psychologist or other professional determined by the court to be qualified to examine the defendant's mental condition to examine and report upon the mental condition of the defendant. The costs of examination shall be paid by the defendant if he is financially able. The determination of ability to pay shall be made in accordance with chapter 8, title 19, Idaho Code. The order appointing or requesting the designation of a psychiatrist, ~~or~~ licensed psychologist or other professional shall specify the issues to be resolved for which the examiner is appointed or designated.

(2) In making such examination, any method may be employed which is accepted by the examiner's profession for the examination of those alleged to be suffering from a mental illness or defect.

(3) The report of the examination shall include the following:

(a) A description of the nature of the examination;

(b) A diagnosis, evaluation or prognosis of the mental condition of the defendant;

(c) An analysis of the degree of the defendant's illness or defect and level of functional impairment;

(d) A consideration of whether treatment is available for the defendant's mental condition;

(e) An analysis of the relative risks and benefits of treatment or nontreatment;

1 (f) A consideration of the risk of danger which the defendant may create for the public if
2 at large.

3 (4) The report of the examination shall be filed in triplicate with the clerk of the court,
4 who shall cause copies to be delivered to the prosecuting attorney and to counsel for the
5 defendant.

6 (5) When the defendant wishes to be examined by an expert of his own choice, such
7 examiner shall be permitted to have reasonable access to the defendant for the purpose of
8 examination.

9 (6) If a mental health examination of the defendant has previously been conducted
10 pursuant to section 19-2524, Idaho Code, and a report of such examination has been submitted
11 to the court, and if the court determines that such examination and report provide the necessary
12 information required by this section, including all of the information specified in subsection (3)
13 of this section, then the court may consider such examination and report as the examination and
14 report required by this section and need not order an additional examination of the defendant's
15 mental condition.

16 (7) Nothing in this section is intended to limit the consideration of other evidence
17 relevant to the imposition of sentence.